

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Victor W. Dahar, Trustee

v.

Civil No. 05-cv-186-JD

Susan W. Jackson, et al.

O R D E R

Susan W. Jackson appeals the Bankruptcy Court's decision in an adversary action that set aside certain conveyances of property under New Hampshire Revised Statutes Annotated § 545-A:4, I(b)(1)(b). This court denied her request for a stay pending appeal, concluding that she had not shown a likelihood of success on the merits of her appeal. Given the portent of that decision for the remainder of her case on appeal, the court directed Jackson either to show cause why the bankruptcy court decision should not be summarily affirmed or to file a notice withdrawing the appeal. Jackson has filed a memorandum opposing summary affirmance.

Jackson argues that the issues she raises on appeal require full briefing and consideration by this court. Without comment on the merits of her argument, the court will permit the appeal to proceed in the ordinary course. If, however, the property that is the subject of this appeal is sold while the appeal is pending, the parties shall immediately notify the court.

Ordinarily, an authorized sale of the subject property will render the appeal moot. See, e.g., 11 U.S.C. § 363(m); In re Wintz, 219 F.3d 807, 812 (8th Cir. 2000); In re Stadium Mgmt., 895 F.2d 845, 846-47 (1st Cir. 1990); In re Eastern Co., 148 B.R. 367, 368-69 (D. Mass. 1992).

SO ORDERED.

  
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Joseph A. DiClerico, Jr.  
United States District Judge

August 16, 2005

cc: John R. Michels, Esquire  
Thomas J. Pappas, Esquire  
Richard Thorner, Esquire  
USBC NH - Clerk